

Security
CONFIDENTIAL

OLC RECORD COPY

OLC # 78-2725

20 July 1978

MEMORANDUM FOR THE RECORD

SUBJECT : CIA Special Work Area in HSCA Offices

1. I spoke with Ted Darby on Friday, 14 July 1978, about his assignment to replace the CIA employee who had worked in the HSCA area. I made the following points:

a. The arrangement there had evolved from what had been intended originally as a turn-around service by the Agency, in providing documents for use in interviews, depositions and hearings by the HSCA; the material was to be returned to CIA after use. Whether by design or natural circumstances, the HSCA investigators took notes from those documents (thereby creating what we consider CIA-derived material) and mixed them with their analysis in preparation of questions; while the resulting material was of a proprietary interest to CIA it contained, in this form, HSCA attitudes that they wish to screen off from us. The above developments occurred while the HSCA was still reviewing a draft agreement that represented what we had undertaken to do; that agreement was never signed by HSCA.

b. In trying to find a way out of this situation, and at the same time present an accommodating posture, we had continued the arrangement while different possible arrangements were considered. The operation appeared to be primarily a mechanical one, which had led to a non-staff employee being assigned the chore. It was this employee he was replacing.

c. The Memorandum of Understanding between the Agency and HSCA--which has a number of

MORI/CDF Document ID 305939

CONFIDENTIAL

~~CONFIDENTIAL~~

unattractive features, from our point of view-- provides that notes taken at CIA Headquarters by HSCA investigators would be reduced to "summaries," which in turn would be sanitized at CIA before transmittal to the HSCA area for final use in the drafting of reports. This sounds fine in concept but is impractical, in fact. Further, although not a controlling consideration, it imposed a sanitization work load that we had not handled well. We had been considering with HSCA transmitting to HSCA (for retention in the special CIA work area there) the notes taken at CIA, in unsanitized form.

d. Thus there would be two types of papers to be retained in the CIA work area at HSCA. The first of these is the paper in the original beachhead, as we call it: those memoranda of interviews, transcripts of depositions and hearings, stenographer's notes and typewriter ribbons (we had requested that the typewriter ribbons be destroyed after transcripts had been prepared, and that stenographers' notes be destroyed after the transcripts are verified, to reduce the sheer volume of this, which Mr. Blakey had said he would do). The second collection of paper will consist of the materials now being moved to the work area from CIA. We will continue to provide documents for use in hearings, etc., on a turn-around basis; he will have to baby-sit them when in use.

e. The new material is all being stapled into specially marked folders, covered with log sheets; in addition to which specially marked note paper (legal tablets and typewriter paper) is being provided; HSCA personnel are to be allowed to bring with them to the area working papers and documents of their own, and remove them (not those from the safe already there) when they depart. They are to bring no blank note paper with them, nor are they to write on anything but the specially marked paper provided in the special work area. All writing on these specially marked papers will remain in the work area when not being used, and will not be removed from the area. When the final report is written drafts will be couriered to CIA Headquarters for review. Upon eventual completion of the investigation all the work papers and intermediate drafts will be destroyed, the final report to speak for itself.

2
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

f. The CIA representative will not take any interest in HSCA paper or other matters. This should not present earlier problems now that the new CIA work area is to be separated from the area where the more sensitive materials of the HSCA are stored. There should be no interest shown in the various drafts, only in ensuring that it is signed for an withdrawal and on its logging back into the safe.

h. We could not say what problems there may be in destruction of paper in the course of work, but the assumption is that something reasonable could be worked out; I had been told by Mr. Blakey that there were arrangements for this.

g. There are possible problems in the fact that we now will have two kinds of paper held in the special area--the earlier paper in safes used for that purpose, and the new paper marked distinctively. Whether some new system of logs or marking is appropriate I could not say, but he may develop some feeling for this after he has had a chance to work with it.

i. I also mentioned the question of future man-power requirements, Mr. Blakey having told me that in the next week we may have to make another man available when the HSCA people start working longer hours and weeks. Hopefully, they would provide sufficient lead time for us to arrange this without difficulty.

2. This is more in the nature of a description of the arrangements, and how they have developed, than a set of firm instructions. Darby is an intelligent professional, and we will have to depend on him to a great extent. It may be useful to have additional advice from the Office of Security.



S.D. Breckinridge

OLC/SDB/hfs

Distribution:

Orig. - Adse
1 - OLC/Subj
1 - D/Security 3
1 - O/DDCI
1 - Legislative Counsel

~~CONFIDENTIAL~~